

## Appendix – Trial Transcript Compared to *MaM* Transcript

Trial Transcript Day 7, Colborn Dispatch Call and Witness Examination				
Episode 5, <i>MaM</i> Transcript				
Page #	Trial Transcript		Timestamp	<i>MaM</i> Transcript
180	22	Manitowoc County Sheriff's Department.	53:58 – 54:03	Dispatcher: Manitowoc County Sheriff’s Department.
	23	This is Lynn.		This is Lynn.
	24	Lynn.		Colborn: Lynn.
	25	Hi Andy.		Dispatcher: Hi Andy.

Page #	Trial Transcript		Timestamp	MaM Transcript
181	1	Can you run --	54:03-54:06	Colborn: Can you run
	2	Q. (By Attorney Strang)~ Is that you?		
	3	A. It sounds like me. I believe it's me.		
	4	Q. Okay. I'll --		
	5	Sam William Henry 582. See if it comes	54:03-54:06	Colborn: Sam William Henry 582?
	6	back to (Inaudible.)		
	7	Lynn.		
	8	Hi Andy.		
	9	Can you run Sam William Henry 582. See		
	10	if it comes back to (Inaudible.)		
	11	Sam William Henry 582. I (Inaudible.)		
	12	All righty. You speak any Spanish there, Andy?		
	13	I just a call at the top of the list, is my on		
	14	call didn't call me back. If I want to get in		
	15	trouble, Andy, I get in trouble. You know, what		
	16	am I supposed to do?		
	17	Well --		
	18	My favorite one is in the city of		
	19	Manitowoc. Okay. Shows that she's a missing	54:06-54:13	Dispatcher: Okay. Shows that she's a missing person.
	20	person. And it lists to Teresa Halbach.		And it lists to
	21	All set.		Teresa Halbach.
	22	Okay. Is that what you're looking for,		
	23	Andy?	54:13-54:17	Dispatcher: Ok, that's what you're looking for,
	24	'99 Toyota.		Dispatcher: Andy?
	25	Yup.		Colborn: '99 Toyota.
				Dispatcher: Yup.

Page #	Trial Transcript		Timestamp	MaM Transcript
182	1	Okay. Thank you.	54:17-54:20	Colborn: Okay. Thank you.
	2	You're so welcome. Bye, bye.		Dispatcher: You are so welcome. Bye, bye.
	3	Q. Okay. That's the entire call. Hangs up. That's		
	4	your voice?		
	5	A. Yes, I believe that's my voice. Yes.		
	6	Q. When did you make that phone call inquiring about		
	7	a license plate?		
	8	A. I don't know.		
	9	Q. Do you have any recollection of making that phone	*55:31-55:37*	* Strang: Do you have any recollection of making that phone
	10	call?		call?
	11	A. It would have had to have been 11/03/05 or -- I'm		Colborn: I'm
	12	guessing 11/03/05.		guessing 11/03/05.*
	13	Q. Okay. But let's -- let's ask -- establish this		* [As indicated by the italics here and below, this portion of trial
	14	first, do you remember making the call?		testimony appeared slightly later in Episode 5 of MaM.]
	15	A. Not really, no.		
	16	Q. What you're asking the dispatcher, whose name is	54:20-54:30	
	17	Lynn, is to run a plate that's Sam William Henry		Strang: What you're asking the dispatch
	18	582; did I hear that correctly?		is to run a plate that's Sam, William, Henry,
	19	A. Yes, sir.		582? Did I hear that correctly?
	20	Q. Sam William Henry is a phonetic code that law		Colborn: Yes, sir
	21	enforcement officers use, because sometimes it's		
	22	hard to tell just a letter over radio?		
	23	A. Yes, sir.		
	24	Q. Sam William Henry would be SWH-582.	54:30-54:37	Strang: Sam, William, Henry would be S-W-H-5-8-2?
	25	A. Yes.		Colborn: Yes.

Page #	Trial Transcript		Timestamp	MaM Transcript
183	1	Q. This license plate?	54:37-54:42	Strang: This license plate?
	2	A. Yes, sir.		Colborn: Yes, sir
	3	Q. I'm showing, for the benefit of the record, this		
	4	is either Exhibit 152 or 153?		
	5	THE CLERK: It's on the plate itself.		
	6	ATTORNEY STRANG: This one happens to be	54:42-55:06	
	7	153.		
	8	Q. (By Attorney Strang)~ And the dispatcher tells		Strang: And the dispatcher tells
	9	you that the plate comes back to a missing person		you that the plate comes back to a missing person
	10	or woman?		or woman?
	11	A. Yes, sir.		Colborn: Yes, sir.
	12	Q. Teresa Halbach. Mispronounces the last name, but		Strang: Teresa Halbach
	13	you recognize the name?		
	14	A. Yes, sir.		Colborn: Yes, sir.
	15	Q. And then you tell the dispatcher, Oh, '99 Toyota?		Strang: And then you tell the dispatcher, "Oh '99
	16	A. No, I thought she told me that.		Toyota?
	17	Manitowoc County Sheriff's Department.		Colborn: No, I thought she told me that.
	18	This is Lynn.		
	19	Lynn.		
	20	Hi Andy.		
	21	Can you run Sam William Henry 582, see		
	22	if it comes back to (Inaudible.)		
	23	Sam William Henry 582. I (Inaudible.)		
	24	All righty. Do you speak any Spanish there,		
	25	Andy? I just got a call that the top of my list,		

Page #	Trial Transcript		Timestamp	MaM Transcript
184	1	is my on call didn't call me back. If I want to	55:06-55:20	Dispatcher: Okay. Shows that she's a missing person. And it lists to Teresa Halbach.
	2	get in trouble, Andy, I get in trouble. You		
	3	know, what am I supposed to do?		
	4	Well --		
	5	My favorite one is in the city of		
	6	Manitowoc. Okay. Shows that she's a missing		
	7	person. And it lists to Teresa Halbach.		
	8	All set.		
	9	Okay. That's what you're looking for,		Dispatcher: Okay, that's what you're looking for,
	10	Andy?		
	11	'99 Toyota?		Colborn: '99 Toyota.
	12	Yup.		Dispatcher: Yup.
	13	Okay. Thank you.		Colborn: Okay. Thank you.
	14	You are so welcome. Bye, bye.		Dispatcher: You are so welcome. Bye, bye.
	15	Q. Actually you who suggests this is a '99 Toyota?	55:20-55:31	Strang: Were you looking at these plates when you called them in?
	16	A. I asked if it was a '99 Toyota, yes.		
	17	Q. And the dispatcher confirmed that?		
	18	A. Yes.		
	19	Q. Were you looking at these plates when you called	*55:31-55:37*	Colborn: No, sir.
	20	them in?		
	21	A. No, sir.	55:37-55:47	*Text from Trial Transcript page 181 inserted here*
	22	Q. And your best guess is that you called them in on		
	23	November 3, 2005?		
	24	A. Yes, probably after I received a phone call from		
	25	Investigator Wiegert letting me know that there		

Page #	Trial Transcript		Timestamp	MaM Transcript
185	1	was a missing person.	55:47-55:54	was a missing person.
	2	Q. Investigator Wiegert, did he give you the license		Strang: Investigator Wiegert, did he give you the license
	3	plate number for Teresa Halbach when he called		plate number for Teresa Halback when he called
	4	you?		you?
	5	A. I don't remember the entire content of our		
	6	conversation but, obviously, he must have because		
	7	I was asking the dispatcher to run the plate for		
	8	me.		
	9	Q. Did you not trust that Investigator Wiegert got		
	10	the number right?		
	11	A. I don't -- That's just the way I would have done		
	12	it. I don't -- It's not a trust or distrust		
	13	issue.		
	14	ATTORNEY STRANG: I'm about to move to a		
	15	different area, your Honor.		
	16	THE COURT: All right. We'll take our		
	17	afternoon break at this time. Members of the jury,		
	18	do not discuss the case during break. And we'll		
	19	resume in about 15 minutes.		
	20	(Jury not present.)		
	21	THE COURT: Counsel, you should report back		
	22	a little before 3:00.		
	23	ATTORNEY STRANG: Thank you.		
	24	(Recess taken.)		
	25	THE COURT: Mr. Strang, you may resume your		

Page #	Trial Transcript		Timestamp	MaM Transcript
186	1	cross-examination.		
	2	<u>CROSS-EXAMINATION CONTD</u>		
	3	BY ATTORNEY STRANG:		
	4	Q. So as you sit here today, Sergeant Colborn, you		
	5	don't recall whether Investigator Wiegert gave		
	6	you Ms Halbach's telephone number when he called		
	7	you that Thursday evening?		
	8	A. He never asked me anything about a telephone		
	9	number.		
	10	Q. But you think he must have given you her license		
	11	plate number? Did I say telephone number?		
	12	A. Yes, you did.		
	13	Q. I'm sorry. I apologize. What I meant is, you		
	14	don't recall, as you sit here today, whether		
	15	Mr. Weigert gave you Teresa Halbach's license		
	16	plate number when he called you on November 3?		
	17	A. No, I just don't remember the exact content of	55:54-56:03	Colborn: I just don't remember the exact content of
	18	our conversation then.		our conversation then.
	19	Q. But --		
	20	A. He had to have given it to me, because I wouldn't		Colborn: He had to have given it to me, because I
	21	have had the number any other way.		wouldn't
	22	Q. Well, and you can understand how someone	56:03-56:19	Have had the number any other way.
	23	listening to that might think that you were		Strang: Well, you can understand how someone
	24	calling in a license plate that you were looking		listening to that might think that you were
	25	at on the back end of a 1999 Toyota; from		calling in a license plate that you were looking
				at on the back end of a nineteen-ninety-nine Toyota.

Page #	Trial Transcript		Timestamp	MaM Transcript
187	1	listening to that tape, you can understand why	56:19-56:31	Colborn: Yes  Strang: But there's no way you should have been looking  at Teresa Halbach's license plate on November 3, on the back end of a 1999 Toyota?
	2	someone might think that, can't you?		
	3	ATTORNEY KRATZ: It's a conclusion, Judge.		
	4	He's conveying the problems to the jury.		
	5	THE COURT: I agree, the objection is		
	6	sustained.		
	7	Q. This call sounded like hundreds of other license		
	8	plate or registration checks you have done		
	9	through dispatch before?		
	10	A. Yes.		
	11	Q. But there's no way you should have been looking	56:31-57:09	Colborn: I shouldn't have been and I was not looking at the license plate.  Strang: Because you are aware now that the first time That Toyota was reported found was two days later on November 5?  Colborn: Yes, sir
	12	at Teresa Halbach's license plate on November 3,		
	13	on the back end of a 1999 Toyota?		
	14	ATTORNEY KRATZ: Asked and answer, your		
	15	Honor, he already said he didn't and was not looking		
	16	at the license plate.		
	17	THE COURT: Sustained.		
	18	Q. (By Attorney Strang)~ There's no way you should		
	19	have been, is there?		
	20	A. I shouldn't have been and I was not looking at		
	21	the license plate.		
	22	Q. Because you are aware now that the first time		
	23	that Toyota was reported found was two days later		
	24	on November 5?		
	25	A. Yes, sir.		



**Trial Transcript Day 7, Search of Avery Property and Colborn Testimony**  
**Episode 7, MaM Transcript**

Page #	Trial Transcript		Timestamp	MaM Transcript
122	1	consumed the rest of the day.	16:18	Kratz: Let's move on then to the 8 <sup>th</sup>  of November
	2	Q. Let's move on then to the 8th, which would be		
	3	Tuesday, the 8th of November, were you asked to		
	4	return to the property?		
	5	A. Yes, sir.		
	6	Q. Again, who were you asked to return there by?		
	7	A. By -- No, I didn't get the -- the -- wasn't told		
	8	to me directly. Usually Lieutenant Lenk met with		
	9	members of the Calumet County Sheriff's		
	10	Department and Department of Criminal		
	11	Investigations at the completion of each day and		
	12	then I would just check with Lieutenant Lenk, are		
	13	we needed tomorrow or no.		
	14	Q. I see.		
	15	A. And then he said, we're needed tomorrow.		
	16	Q. Did you show up then on the 8th?		
	17	A. Yes, sir.		
	18	Q. And who were you attached to, or who were you		
	19	assigned to that day?		
	20	A. I was assigned to Deputy Dan Kucharski from the		
	21	Calumet County Sheriff's Department.		
	22	Q. Do you know what you were asked to do on the 8th?		
	23	A. Yes, Deputy Kucharski, Lieutenant Lenk, and		
	24	myself were instructed, by Special Agent		
	25	Fassbender, to look for some specific printed		

Page #	Trial Transcript		Timestamp	MaM Transcript
123	1	material inside Steven Avery's residence.	16:18-16:33	<p>Kratz: Did you have occasion to search Steven Avery's bedroom</p> <p>Colborn: Yes, sir.</p> <p>Kratz: Who did you enter that bedroom with?</p> <p>Colborn: Deputy Kucharski and Lieutenant Lenk.</p>
	2	Q. Okay.		
	3	A. And to collect same.		
	4	Q. Did you have occasion to enter Steven Avery's		
	5	bedroom on the 8th of November?		
	6	A. Yes, sir.		
	7	Q. Who did you enter that bedroom with.		
	8	A. Deputy Kucharski and Lieutenant Lenk.		
	9	Q. How long did you spend in that bedroom on the		
	10	8th, if you recall?		
	11	A. An hour or so.		
	12	Q. Were you directed to perform any search of that		
	13	trailer, specifically of that bedroom?		
	14	A. Before -- Actually, before we started on the		
	15	bedroom, I was instructed to, with Deputy		
	16	Kucharski, to remove the computer and to wait		
	17	until the computer was picked up by another law		
	18	enforcement officer.		
	19	Q. Okay. Did you do that?		
	20	A. Yes, sir.		
	21	Q. Then, moving to the bedroom, my question is,		
	22	whether you were to perform a search that day?		
	23	A. Yes, sir.		
	24	Q. I'm showing you what's been marked for		
	25	identification as Exhibit No. 208; can you tell		

Page #	Trial Transcript		Timestamp	MaM Transcript
124	1	us what that is, please.		
	2	A. These are photographs of a cabinet that's right		
	3	next to the desk in Steve Avery's bedroom, that		
	4	would be the same bedroom where the firearms were		
	5	that I described before and --		
	6	Q. We're just talking about the first one now,		
	7	Exhibit 208.		
	8	A. That's this photograph here. It's a picture		
	9	of -- this is a desk.		
	10	Q. I'm actually going to put a view up for the jury		
	11	so that we can -- Okay. If you want to use your		
	12	laser pointer where everybody can see what you		
	13	are talking about then.		
	14	A. This is a desk. There's an open area, that's the		
	15	picture. This is a cabinet, you can see how		
	16	closely it is positioned to the desk there.		
	17	Q. Let me just stop you, is this something that you		
	18	earlier called a bookcase.		
	19	A. This cabinet, I'm sorry, yes, I called it a		
	20	bookcase and that's actually, I guess, what it		
	21	is, a bookcase.		
	22	Q. Just so that the jury understands, was this the		
	23	item from which the handcuffs and the leg irons		
	24	were seized a couple days earlier?		
	25	A. Yes, sir. It's easier to see now, with this		

Page #	Trial Transcript		Timestamp	MaM Transcript
125	1	picture, the leg irons and handcuffs were located	16:33-16:40	Kratz: In performing that search, did you move or manipulate this piece of furniture?
	2	in this area here.		
	3	Q. Now, this particular photograph, you can see a		
	4	pair of slippers, bedroom slippers next to it; is		
	5	that right?		
	6	A. Yes, sir.		
	7	Q. You can see a electrical outlet or a socket; is		
	8	that right?		
	9	A. Yes, sir.		
	10	Q. Can you point to that, please. Were you asked,		
	11	or at least as part of your responsibilities of		
	12	searching the bedroom, were you asked to do a		
	13	thorough search of this piece of furniture?		
	14	A. Yes.		
	15	Q. And did you do that?		
	16	A. Yes.		
	17	Q. In performing that search, Sergeant Colborn, did		
	18	you move or manipulate this piece of furniture at		
	19	all?		
	20	A. Yes, sir.		
	21	Q. Can you describe that for the jury, please.		
	22	A. As I stated before, we were looking for specific		
	23	printed or photographs. There is a narrow area		
	24	between this bookcase and this desk, right there.		
	25	And in order to make sure that there was no		

Page #	Trial Transcript		Timestamp	MaM Transcript
126	1	evidence or anything else that we needed lodged	16:40-16:48	Colborn: I will be the first to admit,  I handled it rather roughly,  twisting it, shaking it, pulling it.
	2	between there, I actually tipped this to the side		
	3	and twisted it away from the wall.		
	4	Q. If you can describe that further, I don't know if		
	5	you can do it with your words, or show us with		
	6	your hands, how you did it?		
	7	A. I will be the first to admit, I wasn't any too		
	8	gentle, as we were, you know, getting		
	9	exasperated. I handled it rather roughly,		
	10	twisting it, shaking it, pulling it.		
	11	Q. And that's the bookcase that you are talking		
	12	about?		
	13	A. Yes, this piece of furniture right here, a		
	14	bookcase.		
	15	Q. I'm sorry. Sergeant, in shaking and twisting		
	16	that particular bookcase, did you pull it away		
	17	from the wall itself, that you can see behind		
	18	there?		
	19	A. Yes, I did.		
	20	Q. After that process was complete, were the		
	21	items -- The binder that we can see in the lower		
	22	left hand corner of the bookcase; can you point		
	23	to that, please. Was that, and the other items		
	24	within that bookcase, removed and examined by		
	25	yourself and your -- other members of your team?		

Page #	Trial Transcript		Timestamp	MaM Transcript
127	1	A. Yes, sir.		
	2	Q. Did you have occasion to replace those items into		
	3	that bookcase after having pulled it from the		
	4	wall?		
	5	A. Yes, sir.		
	6	Q. What was done with the bookcase after that		
	7	thorough search of the -- of those materials was		
	8	completed?		
	9	A. The items that we didn't use -- or collect as		
	10	evidence, that binder and some of the other		
	11	things there were kind of stuffed, rather		
	12	forcefully, back in there. And other items that		
	13	we were going to collect as evidence were -- we		
	14	had so many that we didn't have a container in		
	15	the room large enough to hold them all. So		
	16	Lieutenant Lenk exited the bedroom to get a		
	17	larger container and I began to search this desk		
	18	here.		
	19	Q. By a larger container, what are you talking		
	20	about?		
	21	A. A box.		
	22	Q. Now, at this time, that is, as the search was		
	23	completed, what was done with that piece of		
	24	furniture; what was done with the bookcase		
	25	itself?		

Page #	Trial Transcript		Timestamp	MaM Transcript
128	1	A. It was still kind of away from the wall, but it	16:48	Kratz: Sergeant,
	2	was more or less stuffed back into its original		
	3	position.		
	4	Q. The next exhibit, Exhibit No. 209, describe what		
	5	that is, please.		
	6	A. That's just a different photograph of the same		
	7	bookcase.		
	8	Q. I'm going to allow the jury to see that as well.		
	9	Is this the photo that you are talking about		
	10	of -- of the bookcase?		
	11	A. Yes, sir.		
	12	Q. The next exhibit, No. 210, can you describe what		
	13	that is for us, please.		
	14	A. 210 is a picture, a photograph of the -- Well,		
	15	you can see that we have some materials there		
	16	stuffed in a bag. Then there's the bedroom		
	17	slippers. And now there is a key with a fob,		
	18	lying between the bedroom slippers.		
	19	Q. Sergeant Colborn, I'm going to direct your		
	20	attention, then, to the large screen. I would		
	21	like you to carefully take the laser pointer and		
	22	describe for the jury what it is that we're		
	23	looking at?		
	24	A. These were some items that we had bagged up. I		
	25	don't recall what that is. These were the same		

Page #	Trial Transcript		Timestamp	MaM Transcript
129	1	bedroom slippers that were in the other	16:48-16:52	Kratz: Did you see this image on the 8 <sup>th</sup> of November?  Colborn: Yes.
	2	photograph, but you can see that they have been		
	3	jostled. That's the electrical outlet. And now		
	4	there is a key and with this connecting canvas or		
	5	nylon fob and a black plastic buckle, lying on		
	6	the floor.		
	7	Q. The piece of furniture, that is, the bookcase		
	8	that we see in Exhibit 210, has that been removed		
	9	or replaced to its original position?		
	10	A. I can't say we have got it exactly 100 percent		
	11	where it was, but it's very close to its original		
	12	position, yes.		
	13	Q. So the jury understands the timing of these,		
	14	Exhibit No. 208 shows the slippers right next to		
	15	the outlet. And this exhibit, 210, shows the		
	16	slippers pushed to what would be the left and		
	17	actually a little bit closer to the photographer;		
	18	is that fair?		
	19	A. That's correct.		
	20	Q. Do you recognize this image, that is, did you see		
	21	this image on the 8 <sup>th</sup> of November?		
	22	A. Yes.		
	23	Q. Can you describe that moment, or that event, for		
	24	the jury, please.		
	25	A. As I had mentioned earlier, Lieutenant Lenk had		



Page #	Trial Transcript		Timestamp	MaM Transcript
130	1	exited -- That is the door coming into the	16:52	Colborn: I was searching the desk here.  Deputy Kucharski was sitting on the bed
	2	bedroom; he had gone through that door to get a		
	3	bigger container. I was searching the desk here.	16:52-17:05	Colborn: filling out paperwork. Lieutenant Lenk  Colborn: said something to the effect of, "there's a key on the floor here"
	4	Deputy Kucharski was sitting on the bed, which		
	5	also isn't in the photograph, but is in very		
	6	close proximity to this piece of furniture, the		
	7	bookcase, filling out paperwork.		
	8	Lieutenant Lenk got about right here,		
	9	his feet would have been right here, so he was in		
	10	the room, and said something to the effect of,		
	11	there's a key on the floor here, or, look,		
	12	there's a key. I don't know what his exact		
	13	verbiage was but he identified that there was a		
	14	key on the floor.		
	15	I turned around, as I wasn't very far		
	16	away, I turned around and looked and I observed		
	17	this key, lying right where it is. And I		
	18	observed this key had this black rubberized or		
	19	plastic end on it, which they didn't -- you know,		
	20	that's a newer model car key, due to that plastic		
	21	or rubberized end. And I also observed that		
	22	embossed on there was a Toyota emblem.		
	23	And we told Deputy Kucharski, get a		
	24	photograph of this, right away, which he did,		
	25	which is this photograph. I did not take this		

Page #	Trial Transcript		Timestamp	MaM Transcript
131	1	photograph.	17:05-17:16	Kratz: did either yourself, Lieutenant Lenk, or Deputy Kucharski touch that key?  Colborn: No, sir. Kratz: Why not? Colborn: I think all three of us knew at the same time
	2	Q. By the way, as you and Deputy Kucharski and		
	3	Lieutenant Lenk observed this, did any of the		
	4	three of you approach or touch this piece of		
	5	evidence at that time?		
	6	A. I may have been standing in this area here, you		
	7	know. This piece of furniture is only 2 and a		
	8	half, 3 feet tall, maybe. So I could easily see		
	9	over it to see the key.		
	10	I did not approach the key. Lieutenant		
	11	Lenk did not come into the room. Deputy		
	12	Kucharski photographed the key from, you know,		
	13	from whatever angle this picture was taken at.		
	14	That's as close as we got.		
	15	Q. My question, again, was, did either yourself,	17:16-17:36	Colborn: that this was a very important piece of evidence. And, you know, none of us were going to taint that.
	16	Lieutenant Lenk, or Deputy Kucharski, prior to		
	17	this photo was taken, touch that key?		
	18	A. No, sir.		
	19	Q. Why not?		
	20	A. I think all three of us knew at the same time		
	21	that there was a very good chance, seeing a		
	22	Toyota emblem embossed on that key, knowing that		
	23	Teresa Halbach's vehicle was a Toyota, that this		
	24	was a very important piece of evidence. And, you		
	25	know, none of us were going to taint that.		

**Trial Transcript Day 7, Search of Avery Property and Tyson Testimony**  
**Episode 7, MaM Transcript**

Page #	Trial Transcript		Timestamp	MaM Transcript
23	1	mentioned that when Lieutenant Lenk went out into	04:18-04:29	<p>Buting: You knew that the district attorneys told those officers not to be alone on any property, right?</p> <p>Kratz: Mischaracterization, Judge, he said the Manitowoc County District Attorney.</p> <p>Buting: I don't particularly care which District Attorney. It's a District Attorney.</p> <p>All right?</p>
	2	the bathroom, you repositioned yourself in the		
	3	doorway so you could see him in the bathroom and		
	4	those in the bedroom, right?		
	5	A. Yes.		
	6	Q. You were keeping an eye on what was going on with		
	7	Mr. Lenk and -- Lieutenant Lenk and the other		
	8	officers?		
	9	A. I would say I was positioning myself to see if		
	10	they had located any evidence.		
	11	Q. Well, and you were also trying to abide by the		
	12	directive that Manitowoc officers should not be		
	13	alone in any of this property, right?		
	14	A. It was more of a documentation type thing. I		
	15	mean, I did not treat these guys like I did not		
	16	trust them, okay.		
	17	Q. Well, let me ask you this, sir. You knew that		
	18	the district attorneys told those officers not to		
	19	be alone on any property, right?		
	20	ATTORNEY KRATZ: Mischaracterization,		
	21	Judge, he said the Manitowoc County district		
	22	attorney, if he could rephrase the question.		
	23	ATTORNEY BUTING: I don't particularly care		
	24	which district attorney, it's a district attorney.		
	25	All right.		

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24	1	Q. (By Attorney Buting)~ You knew that?	04:29-04:35	Buting: You knew that?
	2	A. Yes.		Tyson: Yes.
	3	Q. You knew that it was important to the		
	4	prosecution, or some attorneys on site, that		
	5	these officers not be alone anywhere on that		
	6	Avery property, right?		
	7	A. Yes.	04:35-05:04	
	8	Q. And you knew that this was Mr. Avery's trailer?		Buting: And you knew that
	9	A. Yes.		
	10	Q. And that if anything, of all the places that they		if anything, of all the places that they
	11	should not be alone, it would be in Mr. Avery's		should not be alone, it would be in Mr. Avery's
	12	trailer, right?		trailer, right?
	13	A. We did not know that on that day.		Tyson: We did not know on that day.
	14	Q. Mr. Avery was the one who was suing them, right?		Buting: Mr. Avery was the one who was suing them,
	15	You knew that?		right?
	16	A. I was aware of that fact, yes.		You knew that?
	17	Q. You knew that, that's right. And you knew that's		Tyson: I was aware of that fact, yes.
	18	why Manitowoc recused themselves, or transferred		Buting: You knew that. That's right. And you knew that's
	19	authority over to Calumet, right?		why Manitowoc transferred
	20	A. Yes.		authority over to Calumet, right?
	21	Q. It was because of this man right here, right?		Tyson: Yes.
	22	A. I believe that's correct.		Buting: It was because of this man right here, right?
	23	Q. And it was this man right here's trailer that you		Tyson: I believe that's correct.
	24	were in?		Buting: And it was this man right here's trailer that you
	25	A. Yes.		were in
				Tyson: Yes.

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25	1	Q. And so that, of all places, you knew was	05:04-05:30	Buting: And so that, of all places, you knew was important that you make sure that these Manitowoc officers not be alone.  Tyson: Correct. Buting: And so you kept an eye on them, didn't you?  Tyson: I was watching what they were doing, yes. Had you ever, in any other search in your entire career, had to act like a babysitter, or a watchdog, for the officers who were conducting a search?
	2	important that you make sure that these Manitowoc		
	3	officers not be alone?		
	4	A. Correct.		
	5	Q. And so you kept an eye on them, didn't you?		
	6	A. I was watching what they were doing, yes.		
	7	Q. Had you ever, in any other search in your entire		
	8	career, had to act like a babysitter, or a		
	9	watchdog, for the officers who were conducting a		
	10	search?		
	11	A. I did not treat this as if I was babysitting.		
	12	Q. Had you ever, in any of your years as an officer,	05:30-05:33	Tyson: No. Buting: This was a first for you, wasn't it?  Tyson: Yes.
	13	had to watch the officers who were searching		
	14	where you were, to make sure that they weren't		
	15	alone?		
	16	A. No.		
	17	Q. This was a first for you, wasn't it?		
	18	A. Yes.		
	19	Q. And you made sure, because you were the watchdog		
	20	here, you were the custodian, the representative		
	21	of Calumet, you made sure that none of those		
	22	officers could have planted anything, right?		
	23	A. I watched them to the best of my ability, within		
	24	those three hours.		
	25	Q. And to the best of your ability meant you did		

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26	1	everything you could to make sure that they knew	05:33-05:53	
	2	they were being watched and that they couldn't		
	3	plant any evidence if they wanted to?		
	4	A. They were told the same instructions that I were,		
	5	that I was going into that residence to document		
	6	and recover all evidence that was seized.		
	7	Q. Well, and you did a good job doing that, didn't		
	8	you?		
	9	A. I believe to the best of my ability, yes.		
	10	Q. All right. And would you agree with me that it	05:53-05:58	Buting: And would you agree with me that it would've been very difficult for Lieutenant Lenk or Sergeant Colborn to have planted a Toyota key in that residence, under your watch?  Tyson: I believe it would have been difficult.
	11	was -- would have been very difficult for		
	12	Lieutenant Lenk or Sergeant Colborn to have		
	13	planted a Toyota key in that residence, under		
	14	your watch?		
	15	A. I believe it would have been difficult.		
	16	Q. Extremely difficult, right?		
	17	A. It would have been difficult, yes.		
	18	Q. Because you were watching them?		
	19	A. To the best of my ability, yes.		
	20	Q. Did you ever suggest to Mr. Fassbender or		
	21	Mr. Wiegert that maybe you would like to have		
	22	some of your own officers in there doing this		
	23	search that night, to Mr. Avery's residence?		
	24	A. We didn't have all those officers that you		
	25	mentioned at the scene that day.		

